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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/543,128

12/27/2005

Nicolas Pegorier

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466 7590 05/02/2008

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EXAMINER

BLACK, MELISSA ANN

ART UNIT

PAPER NUMBER

3612

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/543,128	<b>Applicant(s)</b> PEGORIER ET AL.	
	<b>Examiner</b> MELISSA A. BLACK	<b>Art Unit</b> 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/22/05</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Office action is in response to Letter filed Feb 28/ 2008, for Examiners failure to examine the claims from the preliminary amendment, the time period will be restarted.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 line 2 “and/or” renders the claim indefinite.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 7 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat # 3,871,636 to Boyle.

Re Claim 1, Boyle discloses an item of equipment (Figure 1) for a motor vehicle, of the type comprising a rigid supporting reinforcement (14) and a flexible padding (10) covering the outer face of the supporting reinforcement (14), the padding having an outer covering skin (12), wherein the padding has projections (24) that are made in one piece with the outer skin (12) and that rest on the outer face of the supporting reinforcement (14), and wherein the projections (24) delimit between them deforming spaces (See Figure 6) of the padding to give it its flexibility.

Re Claims 7-10, Boyle discloses wherein the projections are ribs (24) and wherein the deforming spaces are cells delimited between the ribs (24), wherein it constitutes a dashboard of a motor vehicle and having an item of equipment (10).

6. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat # 5,577,766 to Niwa et al.

Re Claims 1-6, Niwa et al discloses an item of equipment for a motor vehicle, of the type comprising a rigid supporting reinforcement (B, Figure 2) and a flexible padding (10) covering the outer face of the supporting reinforcement (B), the padding having an outer covering skin (10), wherein the padding has projections (18, 19, 14, 15b) that are made in one piece with the outer skin (10) and that rest on the outer face of the supporting reinforcement (B), and wherein the projections delimit between them deforming spaces of the padding to give it its flexibility. Niwa et al discloses means (18a and 19a) for attaching the padding onto the supporting reinforcement (B). Niwa et al discloses the means of attachment comprise snap-on devices (18a and 19a). Niwa et al discloses a housing (3) for accommodating a movable device (20) is provided in the supporting reinforcement (B). Niwa et al discloses a movable device (20) for controlling an accessory of the motor vehicle is accommodated in the housing (3). Niwa et al discloses at least one projection (14) of the padding (10) rests on the control device (20), and wherein said projection (14) is separated from the projections (18 and 19) of the padding (10) that rest on the supporting reinforcement (B) around the housing (3).

Re Claims 7-8 and 10, Niwa et al discloses the projections are ribs (18, 19, 14, 15b) and wherein the deforming spaces are cells delimited between the ribs (See Figure 2), wherein it

includes means (See Figure 3) for putting the spaces into communication with each other and/or with the outside atmosphere. Niwa et al discloses an item of equipment (9).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat # 5,577,766 to Niwa.

Niwa et al fails to disclose that it constitutes a dashboard of a motor vehicle.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to use the device on the dashboard, for it is obvious that an air bag can be used on the dashboard and on the steering wheel on the vehicle.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELISSA A. BLACK whose telephone number is (571)272-4737. The examiner can normally be reached on M-F 7:00-3:30 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. Glenn Dayoan/  
Supervisory Patent Examiner, Art Unit  
3612

/M. A. B./  
Examiner, Art Unit 3612